

010A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Winfree et al.

Appl. No. : 09/026,824

Filed : February 20, 1998

For : RESTAURANT FOOD
PREPARATION LINE

Examiner : F. J. Bartuska

) Group Art Unit 3652

) I hereby certify that this correspondence and all
) marked attachments are being deposited with
) the United States Postal Service as first-class
) mail in an envelope addressed to: Assistant
) Commissioner for Patents, Washington, D.C.
) 20231, on

March 16, 2001

(Date)

Robert J. Roby, Reg. No. 44,394

APPELLANT'S BRIEF PURSUANT TO 37 C.F.R. § 1.192

RECEIVED

Assistant Commissioner for Patents
Washington, D.C. 20231

MAR 23 2001

Dear Sir:

TO 3600 MAIL ROOM

Appellant, Applicant in the above-captioned patent application, appeals the final rejection of Claims 1-3, 6, 7, 10, 11, 17, 18, 22-25, 44-47 and 55-63 set forth in the Office Action mailed on July 17, 2000. This appeal brief is being filed in triplicate pursuant to 37 C.F.R. § 1.192(a). A check in the amount of \$310 is included to cover the fee of \$310 for filing an appeal brief pursuant to 37 C.F.R. §§ 1.192(a) and 1.17(c). Please charge any additional fees, including any fees for additional extensions of time, or credit overpayment to Deposit Account No. 11-1410.

I. Real Party In Interest

The real party in interest is the assignee, Taco Bell Corp.

II. Related Appeals and Interferences

Appellant is unaware of any related appeals or interferences.

03/21/2001 HVUOH51 00000104 09026824

01 FC:120

310.00 OP

Appl. No. : 09/026,824
Filed : February 20, 1998

III. Status of Claims

The above-captioned application was filed on February 20, 1998 and claims priority to United States Provisional Patent Application No. 60/038,653, which was filed on February 21, 1997.

Claims 1-3, 6, 7, 10-12, 17, 18, 22-26, 31, 44-47, 50, 51 and 55-64 are presently pending. Claims 4, 5, 8, 9, 13-16, 19-21, 27-30, 32-43, 48, 49, and 52-54 have been cancelled by Appellant.

Claims 31, 50, 51 and 64 have been allowed by the Examiner. Claim 12 has been objected to as containing patentable subject matter by depending from a rejected claim. Claims 1-3, 6, 7, 10, 11, 17, 18, 22-25, 44-47 and 55-63 stand rejected and are the subject of this appeal. In accordance with 37 C.F.R. § 1.192(c)(9), a copy of the appealed claims is included as an appendix.

IV. Status of Amendments

No amendments have been filed following the mailing of the Final Office Action.

V. Summary of the Invention

The present invention generally relates to a restaurant food preparation line having an ergonomic construction that requires fewer workers to assemble food products in shorter lengths of time as compared to prior food preparation lines. p. 1, lines 28-29.

The food preparation line 1 preferably comprises a generally U-shaped configuration. p.7., line 7. As such, the food preparation line generally comprises a first section 3, a second section 5 and a third section 7. p. 7, lines 27-29. The second section 5 extends between the first section 3 and the third section 7 and the first section 3 and the third section 7 extend away from the second section 5. p. 7, lines 29-31. In a preferred arrangement, the first section 3 and the third section 7 extend generally parallel to each other. p. 7, lines 30-31. Advantageously, the corners defined by the first section 3 and the second section 5 and by the second section 5 and the third section 7 are spaced to allow a first worker stationed in one of the corners to exchange items with a second worker stationed in the other of the corners. p. 18, lines 11-14

Along the first section 3, a heated storage compartment is provided, such as a steam cabinet 100 or a heating cabinet 14. p. 8, lines 6-7 The heated storage compartment generally

Appl. No. : 09/026,824
Filed : February 20, 1998

holds base products, such as buns or tortillas. p. 8, line 11 and p. 9, lines 26-28. A cooled storage compartment is placed along the second section in the illustrated arrangement. p. 8, lines 17-18. The cooled storage compartment can be an open produce bin 32 or a refrigerator 38. p. 8, lines 19-21. Typically, the cooled storage compartment will hold toppings. p. 15, lines 7-9. A heating device, such as a steam table 20, preferably is interposed between the heated storage compartment and the cooled storage compartment and preferably is used to heat a main substance of the food product being assembled (e.g., hamburger, beans or ground beef). p. 11, lines 20-21; p. 12, lines 3-6. A wrap storage system 150 desirably is provided along the third section. p. 16, lines 18-19. Thus, the food product can be completely assembled in an assembly-line style starting with the obtaining a food base and ending with wrapping the food product for delivery. p. 16, lines 12-15. Delivery locations also are provided along the third section. p. 16, lines 15-17; p. 17, lines 5-7.

VI. Issues Presented on Appeal

The following issues are presented:

1. Whether Claims 1-3, 6, 7, 10, 11¹, 17 and 18 are properly rejected under 35 U.S.C. § 103 as unpatentable over Tuhro et al. in view of Conlan et al.
2. Whether Claims 44-47 are properly rejected under 35 U.S.C. § 103 as unpatentable over Tuhro et al. in view of Conlan et al. and further in view of Boyd et al.
3. Whether Claims 55-59 and 61-23 are properly rejected under 35 U.S.C. § 103 as unpatentable over Tuhro et al. in view of Conlan et al.
4. Whether Claims 22-26 and 60² are properly rejected under 35 U.S.C. § 103 as unpatentable over Tuhro et al. in view of Conlan et al.

¹ Although this claim is being rejected on the combination of Tuhro et al. in view of Conlan et al. and further in view of Baze, Appellant will treat this claim along with the claim from which it depends.

² Although this claim is being rejected on the combination of Tuhro et al. in view of Conlan et al. and further in view of Boyd et al., Appellant will treat this claim along with the other claims that also recite limitations directed to an ingredient dispenser.

Appl. No. : 09/026,824
Filed : February 20, 1998

VII. Grouping of Claims

In the above-captioned application, all of the rejected claims should not stand or fall together. Appellant, for purposes of this appeal only, is grouping Claim 11 with the claim from which it depends and will deal with the separate rejection as premised upon an improper rejection of the base claim. In addition, Claim 60 will be grouped with Claims 22-26 solely for purposes of this appeal although Claim 60 depends from a different base claim than Claims 22-26. Appellant believes that many of the other dependent claims further define over the applied references. However, in the interest of administrative economy and efficiency, Appellant agrees to narrow the issues, solely for purposes of this appeal, by grouping the claims as follows:

GROUP 1: Claims 1-3, 6, 7, 10, 11, 17 and 18, which generally relate to a food preparation line comprising a first section, a second section lying generally normal to the first section, and a third section positioned next to and extending away from the second section at an angle and in the same general direction as the first section, a first inside corner being defined at a juncture between the first section and the second section and a second inside corner being defined at a juncture between the second section and the third section, and a variety of food preparation line components positioned along the food preparation line to allow for an efficient preparation of food product from base product to wrapped food product;

GROUP 2: Claims 44-47, which generally relate to a food preparation line similar to that of Group 1 with added limitations relating to particular spacing of components, more particularly, a first set of food preparation line components that are disposed within an arm span of a first worker positioned between the first set of components and a second set of food preparation line components that are disposed within an arm span of a second worker positioned between the second set of components;

GROUP 3: Claims 55-59 and 61-63, which generally relate to a food preparation line similar to that of Group 1 or Group 2 in which a first worker station and a second worker station are arranged to enable a first worker positioned at the first station to pass the food product directly to a second worker positioned at the second station; and

GROUP 4: Claims 22-26 and 60, which generally relate to the food preparation line of Group 1 or 3 with added limitations relating to a food ingredient dispenser and its placement along the food preparation line.

VIII. Argument

1. DISCUSSION OF THE REFERENCES RELIED UPON BY THE EXAMINER

In rejecting the claims, the Examiner relied upon the following references:

A. Tuhro et al.

Tuhro et al. disclosed modular counter units for food preparation in commercial kitchens and the service of prepared foods in cafeteria and buffet lines. Col. 1, lines 5-9. The disclosure of Tuhro et al. stated that one feature of the invention was the almost total flexibility in the selection, placement and movability of the various base-defining units of the lower level LL relative to the upper level counters UL. Col. 4, lines 13-17. In short, various base frame component and various countertops could be interchanged to food a desired kitchen configuration. The disclosed embodiment was a cafeteria line in which the modularity of the claimed invention was used. Col. 2, line 44-45. The cafeteria line CL of Figure 1 featured a two-tier system: an upper food holding level and a lower support and storage level. Col. 3, line 61-64. Along the upper food holding level, the cafeteria line included a starter station 20 at the beginning of a first section, which station accommodated trays, dishes, napkins and tableware service. Col. 3, lines 65-67. The cafeteria line also featured a hot food or steam table unit 22 along the first section. Col. 4, lines 1-2. A second section of the cafeteria line included a cold pan or frost top unit 24 for iced or refrigerated foods (and beverages). Col. 4, lines 3-4. A third section of the cafeteria line included a selector case 25 for refrigerated foods and a cashier or check out station 27. Col. 4, lines 6-8. The cafeteria line included a continuous tray slide 36 that was mounted on the outer or customer side. Col. 4, lines 17-19. A customer would have to pass along the cafeteria line taking various food items from the various units that likely would be individually manned.

B. Conlan et al.

Conlan et al. taught a manual food service system that precluded a food server from touching dirty currency or other items that would contaminate the food. See Abstract. Thus, the server would be able wash their hands less frequently. Col. 5, lines 18-22. Conlan taught a U-shaped arrangement of three counters with a heating device, specifically a hot well 30, positioned generally at one of the corners. Col. 6, lines 1-10. A drink dispenser 52, 54 was provided along an outside of the three counters. Col. 6, lines 44-47. The drink dispenser 52, 54 obviously allowed patrons passing along the outside of the U-shaped arrangement to obtain their own beverages while they waited for their food to be delivered to them from inside of the U-shaped arrangement. Col. 6, lines

Appl. No.: : 09/026,824
Filed : : February 20, 1998

47-50. As the Examiner points out in the Final Office Action, Conlan taught that the disclosed food service arrangement could be productively operated by a single operator. Col. 4, lines 8-12. Clearly, this single operator would work on the inside of the U-shaped arrangement preparing and delivering food products ordered by customers. Col. 6, lines 6-10. Conlan, however, failed to teach a food service arrangement having two stations that allowed two workers to remain relatively stationary while cooperatively assembling various food products in an assembly line fashion prior to delivery to a customer.

C. Boyd et al.

Boyd et al., which was relied upon for a teaching of providing cups for food items, taught a portable cabinet that was used in the preparation of espresso and coffee. This cabinet, in short, was a portable coffee cart. Col. 1, lines 10-12. The cabinet included a countertop with at least two beverage preparation stations at differing levels, one of which was for dispensing espresso-type drinks and the other of which was for dispensing coffee-type drinks. Col. 5, lines 17-22, 40-42. Sufficient space was provided for coffee and espresso-making supplies and cups Col. 4, line 66-Col. 5, line 7. However, Boyd et al. did not teach or suggest preparing food products in an assembly line manner and, based on the size, only one person likely operated the cart.

2. DISCUSSION OF THE ISSUES ON APPEAL

A. The Claims of Group 1 Are Patentable Over The Applied References

Claims 1-3, 6, 7, 10, 11, 17 and 18 stand rejected as unpatentable. The Examiner rejected each of these claims, except Claim 11, as unpatentable over Tuhro et al. in view of Conlan et al. Dependent Claim 11 has been rejected as unpatentable over Tuhro et al. in view of Conlan et al. and further in view of Baze. Claim 1 is independent and the rest of the Group 1 claims depend from Claim 1. Because the Examiner has not established a *prima facie* case of obviousness for independent Claim 1, Appellants submit that each of these claims is patentable over the applied combinations.

As is well-known, a *prima facie* case of obviousness requires that three basic criteria be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. *Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.* The teaching or suggestion to make the claimed combination and the reasonable

Appl. No.: : 09/026,824
Filed : February 20, 1998

expectation of success must both be found in the prior art, and must not be based on applicant's disclosure. In this case, the references, alone or in combination, failed to teach or suggest all of the claim limitations.

Claim 1 recites, among other limitations, a food preparation line comprising three sections arranged in a particular layout with certain components placed in desired locations. The placement of each of these components recited in the claim is important for reasons expressed in the specification. For instance, at page 9, lines 13-17, the specification discusses the desirability of placing a heated storage compartment, namely the steam cabinet, along the first section. In short, each of the recited components is strategically positioned to allow rapid assembly of various food products that comprise a single order at a quick-service restaurant.

Considering first the primary reference, Tuhro et al. The Examiner relies upon the following statement in Tuhro et al. to provide the supposed teaching of any component not truly taught by any applied reference:

“A principal object of the present invention is to provide a modular counter unit for commercial foodservice equipment affording great design flexibility. Another object is to provide a two-tier counter system with selective alignment of upper level modular countertop units and selective use and placement of lower level base means. Another object is to provide a modular counter unit that is rugged in construction, economically manufactured without welding, consists of smaller components for facilitating handling and shipment, permits easy assembly by non-skilled labor, and is easily disassembled for revision in equipment line-up or relocation.”

Col. 2, lines 19-32. This teaching of “design flexibility” must have been relied upon as the teaching for several limitations, which will be discussed below, that were not otherwise taught or suggested by either Tuhro et al. or Conlan et al.

Claim 1 recites, among other limitations, a food preparation line comprising a heated storage compartment that is positioned on the first section and a generally open package storage compartment that is located near an end of the third section. The corresponding components along the cafeteria line of Tuhro et al., as identified in a prior Office Action, namely component 71 and 22, are both positioned along the same section rather than on two distinct sections. Moreover, component 71 is not an open packaging storage compartment, rather, component 71 is a multi-compartment bin for organizing tableware, i.e., knives, forks and spoons. Col. 8, lines 23-28. Tuhro et al. further taught blank corner units 23, 23a that were used to turn the direction of the cafeteria line CL when necessary or desirable due to room size, traffic flow, service requirements or

Appl. No.: : 09/026,824
Filed : February 20, 1998

the like. Col. 9, lines 37-41. Although Tuhro et al. included the statement quoted above, this statement simply would not have taught or suggest that one of ordinary skill in the art arrange the components in the recited configuration.

Conlan et al. also failed to teach these same limitations, among others. For instance, while Conlan et al. taught a generally U-shaped countertop configuration, Conlan et al. failed to teach or otherwise suggest a food assembly line having a heated storage compartment positioned on a first section and a generally open package storage compartment located near an end of a third section of the three section U-shaped countertop. Rather, Conlan et al. taught a U-shaped food counter configured for a single worker to move between a cooking side 26 and an assembly side 36. Accordingly, neither reference taught or suggested, among other limitations, a u-shaped food preparation line comprising a heated storage compartment that is positioned on a first section and a generally open package storage compartment that is located near an end of a third section.

Because at least the limitations discussed above were not taught or suggested by either applied reference, the combination could not have taught or suggested the limitations. Without a teaching or suggestion of these limitations, along with a teaching or suggestion of the rest of the limitations, a *prima facie* case of obviousness has not been established. The rejection of the claims of Group 1, therefore, should be overturned.

B. The Claims of Group 2 Are Patentable Over The Applied References

Claims 44-47 stand rejected as unpatentable over Tuhro et al. in view of Conlan et al. and further in view of Boyd et al. Claims 45-47 depend from Claim 44. Because a *prima facie* case of obviousness has not been established with respect to Claim 44, Appellant submit that each of these claims is patentable over the applied combination.

Claim 44, similar to Claim 1, recites a particular arrangement for a food preparation line. Claim 44, however, recites, among other limitations, a food preparation line comprising three sections being positioned to form a generally U-shaped counter, the first section and part of the second section forming a first portion and part of the second section and the third section forming a second portion, the first portion abutting the second portion, the first portion including a warmer and a heating device, the warmer and the heating device positioned within generally about six feet of each other so as to be within an arm span of a worker, the second portion including an accompaniments container proximate the heating device and a packaging dispenser, the accompaniments container and the packaging dispenser positioned within generally about six feet

Appl. No. : 09/026,824
Filed : February 20, 1998

of each other so as to be within an arm span of a worker. While this is a direct quotation of the claim, the direct quotation is warranted because the claimed invention, as a whole, is patentable over the applied references.

Tuhro et al. failed to teach or suggest a U-shaped counter having a first portion that included a warmer and a heating device that were positioned within generally about six feet of each other so as to be within an arm span of a worker and a second portion that included an accompaniments container proximate the heating device and a packaging dispenser that were positioned generally within about six feet of each other so as to be within an arm span of a worker. In fact, positioning items within an arm span is not taught or suggested by the cafeteria line arrangement of Tuhro et al. Similarly, the single person manned arrangements of Conlan et al. and Boyd et al. also failed to teach or suggest this configuration of components.

Because neither reference taught or suggested at least the above-identified limitations, a *prima facie* case of obviousness cannot be maintained. The rejection of the claims of Group 2, therefore, should be overturned.

C. The Claims of Group 3 Are Patentable Over The Applied References

Claims 55-59 and 61-63 have been rejected as unpatentable over Tuhro et al. in view of Conlan et al. Claims 56-59 and 61-63 depend from independent Claim 55. For reasons similar to those discussed regarding Group 2, a *prima facie* case of obviousness has not been established with respect to these claims.

Claim 55 recites, among other limitations, a first station and a second station, a first storage compartment for a food product base disposed on at least one of the first and second counter sections within arm's reach from the first station, a heating device for a food product component to be applied to the food product base disposed on at least one of the first and second counter sections within arm's reach from the first station, a second storage compartment for a chilled food product component to be applied to at least the food product base disposed on at least one of the second and third counter sections within arm's reach from the second station, and a packaging dispenser disposed on at least one of the second and third counter sections within arm's reach from the second station, the first station and the second station being arranged so as to enable a first worker positioned at the first station to directly pass the food product to a second worker positioned at the second station.

Appl. No: : 09/026,824
Filed : February 20, 1998

As discussed above, neither Tuhro et al. nor Conlan et al. taught or suggested such a dual-station configuration. In fact, the single person operated food service system of Conlan et al. teaches away from a pair of stationed workers in favor of a single operator that moves back and forth between a food cooking side and a food assembly side. Moreover, the recited relative positioning of the components, such as the heating devices, chilled food product component and packaging dispenser also were not taught or suggested by Tuhro et al. or Conlan et al.

Without a teaching or suggestion in either of the applied references of the limitations set forth above, in addition to the rest of the limitations recited by Claim 55, a *prima facie* case of obviousness simply cannot be maintained. In addition, Conlan et al. teaches away from the applied combination. Without more, Claims 55-59 and 61-63 should be allowed. Appellant respectfully requests that the rejection of the claims of Group 3 be overturned.

D. The Claims of Group 4 Are Patentable Over The Applied References

Claims 22-26 and 60 have been rejected as unpatentable over Tuhro et al. in view of Conlan et al., with the exception of Claim 60, which was rejected as unpatentable over Tuhro et al. in view of Conlan et al. and further in view of Boyd et al. These claims all depend from claims discussed above and are patentable for at least the same reasons as the claims from which they depend. In addition, Appellant disagrees with the characterization of the teaching of Conlan et al. and the basis for the rejection of these claims.

Claims 22-26 and 60 each recite a food ingredient dispenser positioned at an inside corner or on at least one of the first and second counter sections within an arm's reach of the first station. In rejecting the claims, the Examiner stated that it would have been obvious to one of ordinary skill in the art in view of the ingredient dispensers 52 and 54 of Conlan et al. to provide the device of Tuhro et al. with ingredient dispensers to aid the food preparation. This is a gross mischaracterization of the teaching of Conlan et al. Conlan et al. taught a beverage dispensing unit 52 and 54 that was arranged for self-service by customers passing along an outside of the manual food service system. Conlan et al. did not teach or even suggest ingredient dispensers that could be used to aid in the assembly of food product by workers operating a food preparation line. In addition, Tuhro et al. taught a beverage dispensing counter that allowed self-service by customers as indicated by the positioning of the spill grating. Col. 9, lines 29-32. Furthermore, the recited positioning of the ingredient dispensers also was not taught by either Conlan et al. or Tuhro et al.

Appl. No. : 09/026,824
Filed : February 20, 1998

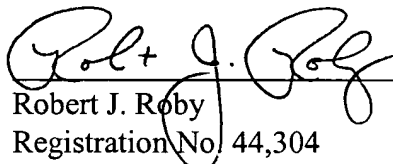
Because neither reference taught or otherwise suggested providing a food ingredient dispenser along a food preparation line or the recited positioning of the food ingredient dispenser, a *prima facie* case of obviousness of Claims 22-26 and 60 has not been established. Therefore, the rejection of the claims of Group 4 should be overturned.

IX. Conclusion

For the reasons discussed above, a *prima facie* case of obviousness simply has not been established with respect to any of the rejected claims. Without more, the rejected claims are allowable over the applied combinations. Therefore, Appellant respectfully requests that the rejection of Claims 1-3, 6, 7, 10, 11, 17, 18, 22-25, 44-47 and 55-63 be overturned.

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: March 16, 2001

By: 
Robert J. Roby
Registration No. 44,304
Attorney of Record
620 Newport Center Drive
Sixteenth Floor
Newport Beach, CA 92660

1. A food preparation line comprising a first section, a second section lying generally normal to the first section, and a third section positioned next to and extending away from the second section at an angle and in the same general direction as the first section, a first inside corner being defined at a juncture between the first section and the second section, a second inside corner being defined at a juncture of the second section and the third section, a heated storage compartment positioned on the first section, a cooled storage compartment positioned on the second section, a heating device being positioned on the first inside corner and a generally open package storage compartment located near an end of the third section, which end is distal of the second section, whereby packaging stored in the generally open package storage compartment are easily accessed.

2. The food preparation line of Claim 1 additionally comprising a pass-through area arranged on the third section.

3. The food preparation line of Claim 1, wherein the heated storage compartment has an access opening on two sides.

6. The food preparation line of Claim 1, wherein the first, second and third sections are arranged generally in a U-shape with the first and third sections being positioned generally parallel to each other.

7. The food preparation line of Claim 1, wherein the heating device comprises a hot ingredient well positioned at a working level of the line.

10. The food preparation line of Claim 1, wherein the cooled storage compartment comprises an open produce bin.

11. The food preparation line of Claim 10 additionally comprising a taco rail positioned on the second section and extending along at least a portion of a length of the produce bin.

17. The food preparation line of Claim 1, wherein said heated storage compartment comprises a steam cabinet [that is arranged on the first section], said steam cabinet comprising a housing having a substantially vertical opening and at least partially defining a steam chamber, the opening extending into the steam chamber and providing substantially unfettered access into the steam chamber.

18. The food preparation line of Claim 17 further comprising a wrap storage station located below the steam cabinet.

Appl. No. : 09/026,824
Filed : February 20, 1998

22. The food preparation line of Claim 1 additionally comprising a food ingredient dispenser positioned at the first inside corner.

23. The food preparation line of Claim 22, wherein said ingredient dispenser includes a pump mechanism.

24. The food preparation line of Claim 22, wherein said ingredient dispenser includes a metering mechanism to dispense a desired quantity of ingredient.

25. The food preparation line of Claim 22, wherein said ingredient dispenser includes at least one a delivery nozzle located on one side of the dispenser and at least one access opening located another side of the dispenser.

26. The food preparation line of Claim 25, wherein said ingredient dispenser includes at least one heated container which stores the ingredient before dispensing, and the access opening is arranged to provide access to the heated container.

44. A food preparation line comprising three sections being positioned to form a generally U-shape counter, the first section and part of the second section forming a first portion and part of the second section and the third section forming a second portion, the first portion abutting the second portion, the first portion including a warmer and a heating device, the warmer and the heating device positioned within generally about six feet of each other so as to be within an arm span of a worker, the second portion including an accompaniments container proximate the heating device and a packaging dispenser, the accompaniments container and the packaging dispenser positioned within generally about six feet of each other so as to be within an arm span of a worker.

45. The food preparation line of Claim 44 wherein the warmer is a steam cabinet.

46. The food preparation line of Claim 44 wherein the heating device is a hot ingredient well.

47. The food preparation line of Claim 44 wherein the accompaniments container is a produce bin.

55. A food product assembly area comprising a first station and a second station, the first station generally located at a juncture between a first counter section and a second counter section and the second station generally located at a juncture between the second counter section and a third counter section, the first counter section, the second counter section and the third counter section arranged in a generally U-shaped configuration, a first storage compartment for a

food product base disposed on at least one of the first and second counter sections within arm's reach from the first station, a heating device for a food product component to be applied to the food product base disposed on at least one of the first and second counter sections within arm's reach from the first station, a second storage compartment for a chilled food product component to be applied to at least the food product base disposed on at least one of the second and third counter sections within arm's reach from the second station, and a packaging dispenser disposed on at least one of the second and third counter sections within arm's reach from the second station, the first station and the second station being arranged so as to enable a first worker positioned at the first station to directly pass the food product to a second worker positioned at the second station.

56. The food product assembly area of Claim 55, wherein the first compartment is a steam cabinet.

57. The food product assembly area of Claim 56 additionally comprising a heated shelf disposed on at least one of the first and second counter sections within arm's reach of the first station.

58. The food product assembly area of Claim 55, wherein the heating device is a steam table.

59. The food product assembly area of Claim 55, wherein the second compartment is a produce bin.

60. The food product assembly area of Claim 55 additionally comprising a food ingredient dispenser disposed on at least one of the first and second counter sections within arm's reach of the first station.

61. The food product assembly area of Claim 55, wherein the first compartment is a heated shelf.

62. The food product assembly area of Claim 55 additionally comprising at least one electronic display disposed on at least one of the counter sections.

63. The food product assembly area of Claim 62, wherein said electronic display is arranged within arm's reach from at least one of the first and second stations.



PATENT

Case Docket No. TACOBEL.010A

Date: March 16, 2001

Page 1

In re application of : Winfree et al.
Appl. No. : 09/026,824
Filed : February 20, 1998
For : RESTAURANT FOOD
PREPARATION LINE
Examiner : F. J. Bartuska
Art Unit : 3652

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Board of Patent Appeals and Interferences, Washington, D.C. 20231, on

March 16, 2001

(Date)

Robert J. Roby, Reg. No. 44,304

RECEIVED

**BOARD OF PATENT APPEALS AND INTERFERENCES
WASHINGTON, D.C. 20231**

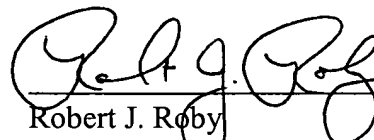
Sir:

MAR 23 2001

TO 3600 MAIL ROOM

Transmitted herewith in triplicate is an Appellants' Brief to the Board of Patent Appeals:

- (X) Fee for filing brief in the amount of \$310 is enclosed.
- (X) If applicant has not requested a sufficient extension of time and/or has not paid any other fee in a sufficient amount to prevent the abandonment of this application, please consider this as a Request for an Extension for the required time period and/or authorization to charge our Deposit Account No. 11-1410 for any fee which may be due. Please credit any overpayment to Deposit Account No. 11-1410. A duplicate copy of this sheet is enclosed.
- (X) Return prepaid postcard.


Robert J. Roby
Registration No. 44,304
Attorney of Record